

Substitute for form 1449A/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 10

Application Number	10/783,603
Filing Date	February 19, 2004
First Named Inventor	Robert E. Grove
Art Unit	3739
Examiner Name	David M. Shay
Attorney Docket Number	354806-991200 (2502187-991200)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form SB/08a, SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached PTO/SB/08a and PTO/SB/08b be made of record in this application.

Pursuant to notice entitled "Information Disclosure Statements May Be Filed Without Copies Of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," *Off. Gaz. Pat. Office* 55 (August 5, 2003), no copies of U.S. Patents and U.S. Published Patent Applications are being supplied with this Information Disclosure Statement.

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Each item of information listed in the attached FORM PTO/SB/08a, and FORM PTO/SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896.

Respectfully submitted,

Date: December 30, 2005

DLA Piper Rudnick Gray Cary US LLP

By: 
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 Attorneys for Applicant(s)
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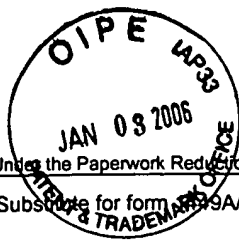
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December 30, 2005
Date


Kathleen LaBrie



Based on PTO/SB/08a (05-03)
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U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		10/794,676	03-03-04	Weckworth et al.	
		R 36,634	03-28-00	Ghaffari	
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		5,628,744	05-13-97	Colman et al.	
		5,630,811	05-20-97	Miller	

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		5,632,741	05-27-97	Zavislan	
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		5,817,089	10-06-98	Tankovich	
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		6,273,885	08-14-01	Koop et al.	

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		6,379,376	04-30-02	Lubart	
		6,436,127	08-20-02	Anderson et al.	
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		2004-0006328	01-08-04	Anderson	
		2004-0010298	01-15-04	Altshuler	

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		2004-0010299	01-15-04	Tolkoff	
		2004-0034319	02-19-04	Anderson et al.	
		2004-0034341	02-19-04	Altshuler et al.	
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		2004-0122492	06-24-04	Harth et al.	
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Examiner Initials*	Cite No. ¹	Foreign Patent Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 00-02491	01-20-00	Harth		
		WO 02-094116 A1	11-02	Altshuler		
		WO 03-017824 A2	03-06-03	McDaniel		

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		MORYS et al., "The Accurate Measurements Of Biologically Effective Ultraviolet Radiation", July 1993, 10 pages.	
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		Guideline for Limits of Exposure to Ultraviolet Radiation of Wavelengths between 180 nm and 400 nm, Health Physics, Vol. 49, No. 2, August 1985, pgs 331-340.	
		KJELDSTAD B, et al., "Porphyrin photosensitization of bacteria," Adv Exp Med Biol. 1985;193:155-9. PMID: 4096295 [PubMed - indexed for MEDLINE], 6 pages.	
		ARAKANE K, et al., "Singlet oxygen (1 delta g) generation from coproporphyrin in Propionibacterium acnes on irradiation," Biochem Biophys Res Commun. 1996 Jun 25;223(3):578-82. PMID: 8687438 [PubMed - indexed for MEDLINE], 5 pgs.	
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		CORNELIUS CE 3rd, et al., "Red fluorescence of comedones: production of porphyrins by Corynebacterium acnes," J Invest Dermatol. 1967 Oct;49(4):368-70. PMID: 4228644 [PubMed - indexed for MEDLINE], 3 pgs.	
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		KJELDSTAD B, et al., "An action spectrum for blue and near ultraviolet inactivation of Propionibacterium acnes; with emphasis on a possible porphyrin photosensitization," Photochem Photobiol. 1986 Jan;43(1):67-70. PMID: 3952162 [PubMed - indexed for MEDLINE], 4 pgs.	

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NON PATENT LITERATURE DOCUMENTS			
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		KJELDSTAD B, et al., "Influence of pH on porphyrin production in Propionibacterium acnes," Arch Dermatol Res. 1984;276(6):396-400. PMID: 6517611 [PubMed - indexed for MEDLINE], 5 pgs.	
		LEE WL, et al., "Comparative studies of porphyrin production in Propionibacterium acnes and Propionibacterium granulosum," J Bacteriol. 1978 Feb;133(2):811-5. PMID: 637914 [PubMed - indexed for MEDLINE], 5 pgs.	
		MCGINLEY KJ, et al., "Facial follicular porphyrin fluorescence: correlation with age and density of Propionibacterium acnes," Br J Dermatol. 1980 Apr;102(4):437-41. PMID: 7387886 [PubMed - indexed for MEDLINE], 5 pgs.	
		MEFFERT H, et al., "Therapy of acne with visible light. Decreased irradiation time by using a blue-light high-energy lamp [transl.]," Dermatol Monatsschr. 1990;176(10):597-603. German. PMID: 2150382 [PubMed - indexed for MEDLINE], 7 pgs.	
		MEFFERT H, et al., "Phototherapy of acne vulgaris with the "TuR" UV 10 body section irradiation unit [transl.]," Dermatol Monatsschr. 1986;172(1):9-13. German. PMID: 2938991 [PubMed - indexed for MEDLINE], 6 pgs.	
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		MILLS OH, et al., "Ultraviolet phototherapy and photochemotherapy of acne vulgaris," Arch Dermatol. 1978 Feb;114(2):221-3. PMID: 147054 [PubMed - indexed for MEDLINE], 3 pgs.	

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		PAPAGEORGIU P, et al., "Phototherapy with blue (415 nm) and red (660 nm) light in the treatment of acne vulgaris," Br J Dermatol. 2000 May;142(5):973-8. PMID: 10809858 [PubMed - indexed for MEDLINE], 6 pgs.	
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				Application Number	10/783,603
				Filing Date	February 19, 2004
				First Named Inventor	Robert E. Grove
				Art Unit	3739
				Examiner Name	David M. Shay
Sheet	10	of	10	Attorney Docket Number	354806-991200 (2502187-991200)

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ANGELOPOULOU et al., "The Reflectance Spectrum of Human Skin", Technical Report, Department of Computer and Information Science, 1999, pgs 1-14.	
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